REMARKS/ARGUMENTS

Claims 1-20 are pending in the present application. Claims 1, 7, 12-14, 18 and 20 are amended. Support for the amendments may be found in the claims themselves and at least in the Specification of Applicants' patent application on page 9, lines 5-10 and lines 18-26, page 10, lines 17-19, page 13, lines 1-32 and Figure 3B. Reconsideration of the claims is respectfully requested.

I. Examiner Interview

Applicants appreciate the courtesies extended by the Examiner in the interview that was conducted on August 2, 2007. The Examiner and the undersigned attorney discussed the rejection under 35 U.S.C. § 112 vis-à-vis claims 7-8, 12-13, and 18-19 and the rejection of claims 1-3, 5, 7-10, and 18-20 under 35 U.S.C. § 102. The Examiner indicated that the amendment to claim 1 would overcome the rejection of the claims under 35 U.S.C. §112 and 35 U.S.C. §102. The arguments discussed as well as additional reasons that the claims are not anticipated are set forth in the remarks below.

II. 35 U.S.C. § 112, Second Paragraph: Asserted Indefiniteness

The Examiner rejected claims 7-8, 12-13 and 18-19 under 35 U.S.C. § 112, second paragraph, as indefinite because the term "readability value" is vague and indefinite. Claims 1, 14, and 20 have been amended to state that the readability value is "a value within a range indicating a degree of readability of a text". During the phone conference on August 2, 2007, the Examiner agreed that this amendment would overcome the rejection of claims 7-8, 12-13, and 18-19. Therefore, Applicants respectfully request that the Examiner withdraw the rejection of the claims under 35 U.S.C. §112.

III. 35 U.S.C. § 102: Asserted Anticipation

The Examiner rejected claims 1-3, 5, 7-10, 14-16 and 18-20 under 35 U.S.C. § 102(e) as anticipated by *Lee*, Method to Custom Colorize Type Face, U.S. Patent Application Publication 2002/00 75492, (June 20, 2002) (hereinafter "*Lee*"). This rejection is respectfully traversed.

Applicants first address the rejection with respect to claim 1. In rejecting claim 1, the Examiner states:

> Regarding claim 1: Lee discloses receiving a request to print a document (para. 13, lines 7-13 of Lee); modifying text in the document (para. 13, lines 1-5 and para. 16, lines 1-5 of Lee) based on at least one user preference (para. 13, lines 1-5 of Lee) so that the text cannot be recognized by a character recognition algorithm (para. 17, lines 1-1 1 of Lee); and printing the document (para. 13, lines 7-1 3 of Lee).

Office Action, May 15, 2007, pages 2-4

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831,15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). In this case, *Lee* does not identically show each and every feature of amended claim 1.

Claim 1 now recites as follows:

> 1. A method for preventing the computer recognition of data, comprising:
> receiving a request to print a document;
> receiving a readability value from a user wherein the readability value is a value within a range indicating a degree of readability of a text;
> automatically determining at least one user preference based on the readability value;
> modifying the text in the document based on the at least one user preference so that the text cannot be recognized by a character recognition algorithm; and
> printing the document.

Applicants first address the rejection with respect to claim 1. *Lee* does not anticipate claim 1 because *Lee* fails to teach the following feature: automatically determining as least one user preference based on the readability value in combination with the feature of receiving a readability value from a user, wherein the readability value is a value within a range indicating a degree of readability of a text, as recited in amended claim 1.

III.A. Automatically determining at least one user preference based on the readability value in combination with the feature of receiving a readability value from a user, wherein the readability value is a value within a range indicating a degree of readability of a text.

Lee does not teach the claimed feature of automatically determining at least one user preference based on the readability value in combination with the feature of receiving a readability value from a user, wherein the readability value is a value within a range indicating a degree of readability of a text, as recited in claim 1. One relevant portion of *Lee* states:

> PostScript.RTM. or TrueType.RTM. output font can be printed and displayed with varying colors through-out each character or letter so as to appear to be colorized differently. By manipulating the pixels of a polygon of a glyph that comprises a character or letter, different colors, lines or textures can be assigned to each constituent polygon. When the polygons are re-assembled, the resultant

> glyph can be made to appear to have different color components, textures or other characteristics.

Lee, Abstract.

This portion of *Lee* discloses modifying a character or letter on a computer through manipulation of its pixels, colors, textures, and lines. As a result of these modifications, the character or letter has a different appearance. However, this portion of *Lee* does not disclose a readability value as recited in claim 1.

Lee additionally discloses:

> [0017] In addition to the foregoing novel print output that is capable using the disclosed methodology, there is yet another benefit that might be realized by the disclosed invention. Optical character readers (OCRs) are computer programs that "read" an optically scanned page and converts character images into ASCII text. An OCR takes as input, the image of a page of text that has been optically scanned by a scanner and then converts images of characters on the page that the software recognizes into an electronic file of ASCII characters. Optical character readers cannot recognize multi-colored type face as taught herein.

Lee, pg. 2, paragraph [0017].

Here, Lee discloses preventing optical character readers from recognizing the modified characters or letters. *Lee* uses multi-colored type faces. However, *Lee* does not use a readability value nor does *Lee* automatically determine a user preference based on the readability value as recited in claim 1.

Lee states:

> [0016] In addition to assigning or changing colors of glyph polygons, each glyph part can be assigned (the pixel elements set) to display a pattern, (straight lines, cross-hatched lines, sinusoidal lines, etc. lines, dots et al.) which might be assigned by a user or a mathematical scheme or algorithm. FIG. 3 shows how a glyph 300, such as the one shown in FIG. 2 might be filled with a geometric pattern, line or other effect 310 to produce yet other output type faces. The determination of what colors or textures or patterns to assign to a glyph or the polygons of a glyph could be by way of a mathematical algorithm (sine wave, fractal, repeating pattern, etc) to make the output appear more unique. Similarly, the assignment of different-colored pixels through out the polygons or adjacent to the intersection areas 240, 250 and 260 or variant thereof might be according to a mathematical algorithm or function to create yet other special effects, all of which are, for claim construction purposes, considered to be a "characteristic" added to a glyph or constituent element thereof.

Lee, pg. 2, paragraph [0016]

This cited portion of *Lee* discloses altering the appearance of characters or letters through the use of a mathematical algorithm. Again, *Lee* does not teach or even mention a value that indicates a degree of readability of text.

In contradistinction, claim 1 recites a method that prevents character recognition of data by automatically determining at least one user preference based on a readability value *after*

having received a readability value in a user input. The readability value allows the user to determine a trade-off between readability and non-scannability. This feature of having the readability value within a range used to indicate readability is not taught by *Lee*. Thus, *Lee* fails to teach each and every feature of claim 1.

As previously stated, the standard for anticipation is not met based on what a reference broadly teaches. *Kalman* , 713 F.2d 760. Rather, anticipation focuses on whether a claim reads on the product or process a prior art reference discloses. Id. In this case, *Lee* fails to disclose the method as stated in claim 1. Therefore, under the standards of *In re Bond*, and *Kalman v. Kimberly-Clark Corp., Lee* fails to anticipate amended claim 1.

III.B. Remaining Claims

Thus, *Lee* fails to teach each and every feature of independent claim 1. In addition, independent claims 14 and 20 recite features similar to those discussed above with respect to claim 1. Therefore, claims 14 and 20 are distinguishable over *Lee* for at least the reasons set forth above.

Dependent claims 2-13, and 15-19 depend on independent claims 1 and 14. Therefore, at least by virtue of their dependency on claims 1 and 14, *Lee* does not anticipate these claims. Moreover, dependent claims 2-13 and 15-19 recite additional combinations of features not taught by the cited art.

For example, dependent claim 12 recites "modifying a background associated with the text." *Lee* does not teach this feature of modifying a background. Thus, *Lee* fails to disclose the features of dependent claim 12. As another example, regarding claim 13, *Lee* also fails to teach "providing a first half of a character in a first color on a first half of the background, wherein the first half of the background is a second color; and providing a second half of the character in the second color on a second half of the background, wherein the second half of the background is associated with the first color, and wherein the first color is a different color than the second color." As discussed above, *Lee* teaches producing variable format output type fonts by using variable color, textures and/or patterns in the fonts. *See Lee* at paragraph [0008]. However, *Lee* does not teach or even mention changing a background or providing a background in two different colors. Therefore, *Lee* fails to teach each and every feature of claim 13.

Furthermore, *Lee* does not teach, suggest, or give any incentive to make the needed changes to reach the presently claimed invention. Further, no reason is present for one of ordinary skill in the art to modify the reference as needed to reach the presently claimed invention. Absent the examiner pointing out some teaching or incentive in the reference or a reason that that would be considered by one of ordinary skill in the art with ordinary creativity, one of ordinary skill in the art would not be led to modify *Lee* to reach the present invention when the reference is examined as a whole. Absent some teaching,

suggestion, incentive, or reason to modify *Lee* in this manner, the presently claimed invention can be reached only through an improper use of hindsight using Applicants' disclosure as a template to make the necessary changes to reach the claimed invention.

Therefore, the rejection of claims 1-20 under 35 U.S.C. §102 rejection has been overcome.

IV. 35 U.S.C. § 103, Obviousness

IV.A. Claims 4, 6 and 17 over *Lee* in view of *Reshef*

The Examiner has rejected claims 4, 6, and 17, under 35 U.S.C. § 103(a) as being unpatentable over *Lee* in view of *Reshef* et al., Method and System for Discriminating a Human Action From a Computerized Action, U.S. Patent Application 2005/0114705, (May 26, 2005) (hereinafter "*Reshef*"). This rejection is respectfully traversed.

Applicants first address the rejection with respect to claim 4. In rejecting claim 4, the Examiner states:

> **Regarding claim 4:** Lee does not disclose expressly randomizing the attribute on a word by word basis.
> Reshef discloses randomizing an attribute used to modify text so that the text cannot be recognized by a character recognition algorithm (para. 63, lines 7-1 1 of Reshef) on a word by word basis (figure 8b(506) and para. 67, lines 12-17 of Reshef). As shown in figure 8b of Reshef, the collection of letters that are distorted can also be used to form a particular word.
>
> Lee and Reshef are combinable because they are from the same field of endeavor, namely modifying rendered text so that the text is recognizable to human viewer but not recognizable to computer-implemented character recognition algorithms. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to specifically randomize the modification attribute on a word by word basis, as taught by Reshef. The motivation for doing so would have been to prevent easy reconstruction of the text (para. 67, lines 14-17 of Reshef). Therefore, it would have been obvious to combine Reshef with Lee to obtain the invention as specified in claim 4.

Office Action, May 15, 2007, pg. 5-6

Claim 4 recites "wherein the step of randomizing comprises randomizing the attribute on a word by word basis." Claim 4 depends from claim 1 and is distinguishable over *Lee* for at least the reasons set forth above with regard to claim 1.

In addition, the Examiner bears the burden of establishing a *prima facie* case of obviousness based on prior art when rejecting claims under 35 U.S.C. § 103. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). The prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Royka,* 490 F.2d 981, 180 USPQ 580 (CCPA 1974). In determining obviousness, the scope and content of the prior art are... determined; differences between the prior art and the claims at

issue are... ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or non-obviousness of the subject matter is determined. *Graham v. John Deere Co.*, 383 U.S. 1 (1966). Often, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. *KSR Int'l. Co. v. Teleflex, Inc.*, No. 04-1350 (U.S. Apr. 30, 2007). Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *Id.* (citing *In re Kahn*, 441 F.3d 977, 988 (CA Fed. 2006)). In this case, *Lee* and *Reshef* do not make the claimed invention obvious.

As discussed above, *Lee* fails to teach the following feature of amended claim 1: automatically determining at least one user preference based on the readability value in combination with the feature of receiving a readability value from a user, wherein the readability value is a value within a range indicating a degree of readability of a text, as recited in claim 1. *Reshef* fails to make up for the deficiencies of *Lee*.

Reshef teaches:

> A method and system are disclosed for discriminating automatic computerized action from a human performed action. The invention is based on applying human advantage in applying sensory and cognitive skills to solving simple problems that prove to be extremely hard for computer software. Such skills include, but are not limited to processing of sensory information such as identification of objects and letters within a noisy graphical environment, signals and speech within an auditory signal, patterns and objects within a video or animation sequence. Human skills also include higher level cognitive processing such as understanding natural language and logical assignments. The method for discriminating between humans and computerized actions can be used during authentication, to limit access by automated agents, and for confirmation of actions.

Reshef, Abstract.

Here, *Reshef* discloses discriminating between human actions and computerized actions during authentication processes. *Reshef* does not teach or suggest a readability value of automatically determining user preferences based on any kind of value indicating a degree of readability of text. . Further, one of ordinary skill in the art does not have any reason that can be articulated to modify either of these references in the manner needed to include automatically determining at least one user preference based on the readability value in combination with the feature of receiving a readability value from a user, wherein the readability value

is a value within a range indicating a degree of readability of a text. Thus, *Reshef* and *Lee*, either alone or in combination, fail to teach or suggest each and every feature of claim 1. Therefore, the Examiner failed to state a *prima facie* obviousness rejection against claim 4 at least for the reasons given above vis-à-vis the response to the rejection of claim 1. For similar reasons, the Examiner failed to state a *prima facie* obviousness rejection against claims 6 and 17. Therefore, the rejection of claims 4, 6 and 17 under 35 U.S.C. § 103(a) has been overcome.

IV. B. Claims 11-13 over *Lee* in view of well-known prior art

The Examiner has rejected claims 11-13 under 35 U.S.C. § 103(a) as being unpatentable over *Lee* in view of well-known prior art. This rejection is respectfully traversed.

Applicants first address the rejection with respect to claim 11. In rejecting claim 11, the Examiner states:

> **Regarding claim 11:** Lee does not disclose expressly that said user interface comprises a slide bar.
> **Official Notice is taken** that a user interface comprising a slide bar is old, well-known and expected in the art. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to specifically use a slide bar as part of the user interface. The suggestion for doing so would have been that a slide bar is a commonly known, user-friendly, and intuitive interface by which a user can set a variable value in a computer-based system. Therefore, it would have been obvious to combine the well-known slide bar with the teachings of Lee to obtain the invention as specified in claim 11.

Office Action, May 15, 2007, pg. 6-7

Claim 11 recites "wherein the user interface comprises a slide bar." Claim 11 depends from amended claim 1. As discussed above, *Lee* and the cited prior art do not teach or suggest each and every feature of claim 1. Also, one of ordinary skill in the art has no reason that can be articulated to make the needed changes or combinations. Neither *Lee* nor *Reshef* teaches or even mentions a slide bar. Therefore, claim 11 is not obvious over *Lee* in view of *Reshef*. In addition, claims 11-13 are also allowable over the cited prior art at least by virtue of their dependency on claim 1. Therefore, the rejection of claims 11-13 under 35 U.S.C. § 103(a) has been overcome.

V. Conclusion

It is respectfully urged that the subject application is patentable over the cited prior art and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: August 15, 2007

Respectfully submitted,

/Mari Stewart/

Mari Stewart
Reg. No. 50,359
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 385-8777
Attorney for Applicants